

HARRY K. THAW MUST GO BACK TO MATTEAWAN U.S. SUPREME COURT SAYS

Decision Was Rendered Today Which Reversed Ruling of New Hampshire Federal Court.

JUDGES WERE UNANIMOUS IN VERDICT
Thaw Escaped in August, 1913, From Asylum Where He Was Confined After Two Trials for Murder.

By Associated Press.

WASHINGTON, Dec. 21.—The Supreme Court today reversed the refusal of the Federal Court in New Hampshire to extradite Harry K. Thaw to New York.

The effect of today's decision is to cause the extradition of Thaw from New Hampshire to New York at once.

On August 17, 1913, Thaw escaped from Matteawan insane hospital in New York, where he had been confined after two trials for the murder of Stanford White. Charged with conspiracy to escape, he was finally arrested in New Hampshire. He was indicted in New York on that charge, and application for his extradition was made to New Hampshire. Extradition was ordered by the governor of New Hampshire, but on habeas corpus proceedings in the Federal District Court, Judge Aldrich held that Thaw should be released.

Justice Holmes announced the Court's decision today. He first overruled the contentions that it was not a crime for a man confined in an asylum to walk out if he could, and that therefore conspiracy to do so was not a crime.

"We do not regard it as open to debate that the withdrawal by connivance of a man from an insane asylum to which he has been committed as Thaw was, did tend to obstruct the due administration of the law. At least the New York court may so decide. Therefore the indictment charges a crime. If there is any remote defect in the earlier proceedings by which Thaw was committed, by which we are far from intimating, this is not the time and place for that question to be tried."

Justice Holmes said the most serious argument for Thaw was that if he were insane when he contrived his escape he could not be guilty of crime while he was not insane he was entitled to be discharged and that his confinement and other facts in the record required the Supreme court to assume that he was insane.

"But this is not Thaw's trial," commented the Justice upon the line of argument.

"The extradition proceedings even when as here a human opportunity is afforded to test them upon habeas corpus the purpose of the writ is not to substitute the judgment of another tribunal upon the fact or the law of the matter to be tried. The constitution says nothing about habeas corpus in that connection, but promptly requires that upon proper demand the persons charged shall be delivered up to or removed to the State having jurisdiction of the crime. There is no discretion line, no inquiry into motives.

"The technicalities of the indictment is not open and even if it be true that the argument stated offers a nice question it is a question as to the law of New York which the New York court must decide. The statute that declares an act done by a lunatic not a crime adds that a person is not excused from criminal liability except upon proof that at the time 'he was laboring under such defect of reason as, Number 1, not to know the nature and quality of the act he was doing, or Number 2, not to know that the act was wrong.'"

"The inmates of lunatic asylums are largely governed, it has been remarked by an appeal to the same motive that govern other men, and it will might be that a man who was insane and dangerous, nevertheless in many directions understood the nature and qualities of his act as well, and was as open to be affected by the motive of the criminal law as anybody else. How far such consideration shall be taken into account it is for the New York courts to decide as it is for a New York jury to determine whether at the moment of the conspiracy



HARRY K. THAW.
Slayer of Stanford White, who must return to Matteawan Asylum.

Thaw was insane in such sense as they may be instructed, would make the fact a defense.

"When as here, the identity of the person, the fact that he is a fugitive from justice, the demand in due form the indictment by a grand jury for what the Governor of New York alleges to be a crime in that state and the reasonable possibility that it may be such will appear the constitutional requirement of habeas corpus upon speculation as to what ought to be the result of a trial in the place where the constitution provides for its taking place. We regard it as too clear for lengthy discussion that Thaw should be delivered up at once.

Try Thaw for Conspiracy.

WASHINGTON, Dec. 21.—Legal authorities who have followed the case pointed out today that New York, with its custody of Thaw secured, must now direct his trial for conspiracy or make and annul the indictment and return the prisoner to Matteawan, or it might return him to the asylum, in this regard of the incident. During the argument of the case before the Supreme Court, Chief Justice White intimated that immediate imprisonment of Thaw in Matteawan after his return might give rise to another habeas corpus proceeding to determine whether a federal writ had been denied by putting him in an asylum after extraditing him for conspiracy.

Thaw Makes No Comment.

MANCHESTER, N. H., Dec. 21.—Harry K. Thaw received without comment today the announcement from Washington that the Supreme Court had reversed the decision of the Federal Court in New Hampshire, which refused to extradite him to New York. His secretary, speaking for him, after manifesting surprise said: "Mr. Thaw had no comment to make." Any statement regarding the court's action will have to come from his counsel, Philander C. Knox, in whom Mr. Thaw has every confidence.

Thaw received the news through a press dispatch.

TWO INJURED IN ESCAPING FROM BURNING STORE

John Jackson and His Family Have Narrow Escape When the Store of the New Central Coal Company at Baxter Burns.

LADDER NOT AVAILABLE
BLANKET ROPE IS USED

Mrs. Jackson's Back Was Badly Wrenched When Her Hold on the Rope Slipped and Mr. Jackson Was Unconscious for a Time.

The store of the New Central Coal and Coke Company, at Baxter, was totally destroyed by fire this morning which was discovered about 3:30 o'clock. John Jackson, store manager, and his family had narrow escapes with their lives.

The building, a three stor structure, was a mass of flames when the fire was discovered. Mr. Jackson and his family lived in the third story above the store. There was no way for them to reach the stair and ladders were too short to permit them to escape in that way, and Mr. and Mrs. Jackson tied blankets together, making ropes. Mr. Jackson let his child, Elizabeth, Margaret Lochner, a niece; May Allen, a girl staying in the Jackson home, safely down to the ground. They escaped without a scratch. Mrs. Jackson was less fortunate. She was descending the improvised rope and was about half way down when her hold slipped and she fell. Her back was badly wrenched and there were several contusions about her body. Mr. Jackson succeeded in getting out, but fell exhausted at the ground when he landed. He was unconscious for a time. He was carried to Weber's home nearby. Later when the Weber home was threatened with destruction he was carried to another neighbor's house.

The water plug near the store building was frozen up and for a time this cut off the water supply, so there was no way to combat the flames. The entire village turned out and made heroic struggles with no avail so far as the store was concerned.

A little later when the water plug thawed out a string of hose played on the buildings near the store and all of them were saved.

The property loss, both to the building and the store, is estimated at \$20,000 covered by insurance. Mr. Jackson and his family lost everything that they had. It was with the greatest difficulty that they were able to escape in their night clothes. The origin of the fire is unknown. All of the fires in the building were turned off last night.

Mr. Duncan Sinclair, of this city, president and general manager of the company, is in the East and at the time this is written has had no communication bearing the intelligence of the destruction of the store.

The news of the distressing occurrence created much excitement in the city this morning where the Jackson family is well known.

Mrs. Jackson is a daughter of Mrs. Margaret Montgomery of Benoni avenue and a sister of Miss Virginia Montgomery of Hartley's store.

In the rear the building was three (Continued on Page 10.)

Prohibition Bill Comes Up Tomorrow

By Associated Press.

WASHINGTON, Dec. 21.—Representative Hobson, of Alabama, and other supporters of national prohibition, were actively at work today lining up their forces for tomorrow's encounter in the House when the rules to take up the Hobson resolution for submission to the states of a constitutional amendment for nation wide prohibition will be voted upon. This issue overshadows other questions before Congress during the week.

Soldiers to Keep Repentance Day

By Associated Press.]

AMSTERDAM, via London, Dec. 21.—An Amsterdam newspaper learns from Cologne that the archbishops and bishops of Germany have ordered that January 10 be kept as a general repentance day by the Catholics in the army. The priests in the field are charged to encourage the soldiers to participate as much as possible.

KAISER'S ARMY MAKES ADVANCE ON WARSAW Germans Evacuate Dixmude SIEGE OF CRACOW ENDS, RUSSIANS ROUTED

ZEPPELIN FIRE KILLED NINETY

Eighteen Bombs Were Dropped Which Demolished Two Houses in Warsaw.

FIFTY OTHERS WERE WOUNDED
—ZEPPELIN ESCAPES WITH-
OUT INJURY.

By Associated Press.

LONDON, Dec. 21.—A dispatch to the Exchange Telegraph Company from Amsterdam says:

"The Germans have evacuated Dixmude, but the report that the allies have taken Middlekerke is untrue."

Kaiser Recovers.

Emperor William has so far recovered from his recent illness as to return to the front. Here he will spend Christmas. The dispatches from Germany do not say to which front his majesty has gone, but earlier advices from Berlin lead to the belief that he has turned westward.

Precautions Are Kept.

A prominent neutral traveler who reached London today from Berlin expressed the opinion that Germans are not thinking seriously of a Zeppelin invasion of England. According to this observer, they regard the apprehension and precaution against aerial attacks taken in London and other English cities as a great joke.

Zeppelin Drops Bombs.

LONDON, Dec. 21.—A Central News dispatch from Rome says that, according to a report from Warsaw, that city was bombed yesterday by a Zeppelin.

Eighteen bombs were dropped, demolishing two houses and killing 90 persons. Fifty others were wounded. Later six bombs also were dropped from a German aeroplane, but small damage was done in this supplementary bombardment.

Churches To Have Union Prayer Week

ARRANGEMENTS WERE MADE AT
MEETING OF MINISTERIAL
ASSOCIATION TODAY.

MINISTERS OF VARIOUS CHURCHES
WILL PREACH IN FIRST
BAPTIST EDIFICE.

At the meeting of the Fairmont Ministerial Association held Monday morning arrangements were made for the union week of prayer which will be held in the First Baptist church beginning January 4 and lasting through January 8. The preachers to deliver sermons are Dr. Clarence Mitchell, of the Central Christian church, who will preach Monday night; Dr. L. K. Probst, of Grace Lutheran church, Tuesday night; Dr. Harry C. Howard, of the First Methodist church, Wednesday night; Dr. J. C. Broomfield, of the People's Temple, Thursday night; Dr. W. I. Carter, of the Methodist Episcopal church, South, Friday night. Dr. H. G. Stoetzer, president of the association, will preside.

Woman Kills Wildcat
With Trusty Rifle

LADYSMITH, Wis., Dec. 21.—Mrs. W. O. Smalley is gaining recognition for her powers as a huntress. With her trusty rifle she brought down a monster wildcat. Facing the animal with coolness until it had approached within forty feet of her and was preparing to spring, she gave it a bullet squarely through the head. The animal weighs sixty-eight pounds and measures 4 feet and 1 inch from nose to tail. Though a \$5 bounty is collectable on wildcats upon presentation of the scalp at the office of the County Clerk, Mrs. Smalley has preferred to have her trophy mounted by a taxidermist.

Official

FRENCH REPORT IS
SUED FROM PARIS.

Progress all along the lines is claimed in the French official statement given out in Paris this afternoon. There is not one single mention of a German success or a French repulse. Changes, although slight, are recorded in Belgium, between the Lys and the Aisne, in the Champagne country and in the Argonne.

At one point an advance of 1,200 yards is recorded, and at another the French made 500 yards gain. Progress has been made between the Argonne and the Meuse on the right bank of the Meuse and on the heights of the Meuse. The French heavy artillery is described as having been successful on the Aisne, near Rheims and elsewhere.

One-Armed Man Kills 2 Rabbits at 1 Shot

MARSHALLTOWN, Ia., Dec. 21.—

Killing two rabbits with the discharge of a single barrel of a shotgun is a most unusual experience for any hunter, to say nothing of the accomplishment providing the hunter has but one arm. Such a feat was the experience of Dewey F. La Plant, a Western Union telegraph operator of this city, who lost his left arm 20 years ago this winter hunting rabbits.

The other day La Plant went out rabbit hunting, the mere fact that he had lost an arm at the game never having caused him to be "gun shy." A rabbit got up ahead of La Plant and when it was far enough away so that La Plant thought he wouldn't shoot him to pieces, he pulled the trigger. The rabbit fell dead in his tracks and the very instant that La Plant shot another rabbit turned a somersault and fell dead within a few feet of where lay the rabbit La Plant had shot at. The second rabbit happened to be in direct line also to receive the charge from the point where he was hiding, and La Plant bagged two at the expense of a single shot.

Sentenced to Hang Date Amuses Victim

BOTTINEAU, N. D., Dec. 21.—Joseph Milo, convicted murderer of J. N. Karst, smiled when Judge Burr sentenced him to "hang by the neck until dead" Friday, August 13, 1915.

The fact that Friday the 13th was the date selected for his execution seemed to amuse Milo, for he made no effort to restrain a chuckle. It will be the first execution in North Dakota in ten years.

Weather

Western Pennsylvania—Fair tonight and Tuesday, much colder tonight. West Virginia—Fair tonight and Tuesday, colder tonight.

READ THE WEST VIRGINIAN

It is on sale each evening at the following places:
FAIRMONT.

Fairmont News Agency,
Monroe street.
Marion News Agency, Main street.

A. G. Martin's News Agency,
Main street.
J. H. McCloskey, Drug Store,
Locust avenue.

Hamilton Drug Co., Tenth street.
Moran and Springer, Water street.

J. B. Rose, Main St. and
Parks avenue.

Holt's Novelty Store, Main street.
Clarence Fisher, Grocer, Market and Columbia Sts., First ward.

Howard C. Cunningham, Grocer, Morgantown Ave., near Owens' Works.

MANNINGTON
Smith and Millan News Agency.

FARMINGTON
F. G. Gray, Grocer.

POLISH CAPITAL IN GREAT PERIL

Germans Are in Two Day's March of Warsaw but Have Strong Opposition.

AUSTRIANS ATTEMPT TO CRUSH
SERVIA ABUNDANT FOR
A TIME.

By Associated Press.

LONDON, Dec. 21.—The great battle to the west of Warsaw, has yet to be fought out judging from indications conveyed in recent dispatches from Berlin and Petrograd.

It appears today, to British military observers, that the German contention, that Gen. Von Hindenburg has scored a notable success over Russians must be qualified. A parallel case is found in recent claim of a crushing Russian victory near Lodz which subsequently proved to be, premature and exaggerated.

The German army commanded by Gen. Von Hindenburg, has made a steady advance in the direction of the Polish capital but the Russians, in falling back appear to have taken new positions in strong entrenchment. In spite of the fact that the invaders in two or three days march of Warsaw, there is good reason to believe that much hard fighting will come, before it can be determined whether or not, this latest attempt to occupy Warsaw will be crowned with success.

RUSSIANS DRIVEN OUT.

Along the southern frontier of E. Prussia the Russians claim to have the upper hand but further to the south, in southern Poland as well as in Galicia, the leaders of Austro-German forces declare they are sweeping Russians before them. They assert that the long siege of the Teuton fortress further that they have cleared all Russians out of West Galicia. This means, that the long siege of Cracow, has been raised, and if this advance on the part of the Teuton allies continues it may bring similar relief to the Austrian garrison at Przemyśl, besieged by Russians since the early days of the war.

A vigorous Austrian offensive in this arena of hostilities has necessitated the use of many troops heretofore used against Serbia, and there are indications, that the Austrian attempt to crush Serbia, will for the time, be abandoned.

Proprietor Is Murdered In Own Hotel

DIES WITH HALF A DOZEN STAB
WOUNDS IN HIS
BODY.

\$200 AND A DIAMOND RING ARE
MISSING—ROBBERY A PROB-
ABLE MOTIVE.

By Associated Press.

CLEVELAND, O., Dec. 21.—Wm. J. Troy, 50, proprietor of several hotels, was stabbed to death in a room in the Troy hotel here early today. There were a half dozen stab wounds in his body. The fact that over \$200 of Troy's money and a diamond ring were reported missing caused the police to work on the theory that robbery prompted the crime. The suicide theory, however, has not been abandoned. The police were told of the death of the hotel owner by a woman's voice over the phone which said: "O' ur old friend, Troy, is dead, having been stabbed in his own hotel. Better come over and look at him." Who called the police has not been determined.

NOTICE

All Union Barber Shops
will close all day Xmas. Will
be open Thursday until 10
p. m.

A Merry Xmas

MAKE IT A SURE THING

THE DIMES, NICKELS and PENNIES

That you are daily allowing to slip away for trifles will soon grow into a sum sufficient to buy a lot of nice presents for next Christmas, if you pay them weekly into our

JOIN NOW

Christmas Savings Club
FIRST NATIONAL BANK
Fairmont W. Va.

Tomorrow Is Red Cross Day

EVERYBODY WILL WEAR A
STAMP ON DRESS OR LA-
PEL OF COAT.

Tomorrow is to be known as Red Cross Stamp Day in Fairmont. Get ready to wear one of these stamps on the lapel of your dress or coat. Already over 25,000,000 of these stamps have sold throughout the land. All the funds derived from these sales are used in the fight against tuberculosis. The interest in this war of general interest in the public health against this dread disease is greater than ever before. In all the great dailies in the larger cities striking editorials are found urging the public to get into this fight, and folks are lining up.

Fairmont is never behind in good works. Make tomorrow memorable by wearing a Red Cross stamp. By this plan you will do two things—you will aid financially, and will also add to the general interest in the work of the local Anti-Tuberculosis League.

Stamps will be found in the leading stores and in the lobby of the postoffice.

Sterling

Tea and Coffee Sets
\$35.00 to \$180.00

Sheffield

A. B. SCOTT & CO.,
Jewelers